

Article - Natural Resources

[\[Previous\]](#)[\[Next\]](#)

§5-707.

(a) Between October 1 and April 15, every person who operates a railroad in the State shall establish a means to prevent a forest fire along the parts of its tracks adjacent to which the Department finds a fire hazard exists or probably may be caused by failure to take precautions. If the Department believes other precautionary means are insufficient, the person shall clear a safety strip of a width not exceeding 100 feet, as the Department determines, measured horizontally from the outer rail. The safety strip shall be cleared by removing all dead wood, fallen leaves, withered grass, and other flammable material, except fences, buildings, and manufactured products, from the ground embraced within the width prescribed. This subsection does not prevent the person from piling and storing along its right-of-way any materials necessary for construction, maintenance, or operation of its railroad.

(b) By September 1 of each year, the Department shall notify the person who operates a railroad in the State of the parts of its tracks where a fire hazard exists or probably may be caused to exist by failure to take precautions, or of the necessity for a safety strip.

(c) Subject to the provisions of subsection (d) of this section, the person may clear the safety strips of flammable material without liability for trespass. However, they may not remove or damage any fence, building, merchantable timber, or living trees as the owner designates without compensating him.

(d) (1) The Department shall obtain written permission of the actual owner of any property involved in clearing safety strips for the annual clearing prescribed by the provisions of subsection (a) of this section. The notice requesting written permission shall be made either by registered or certified mail directed to the last known address of the property owner of record, or by personal service on him. (2) If the owner of record is not served by either of these methods, the Department shall publish a notice of the annual clearing by the first day of September of each year at least once in two papers of general circulation in the county where all or a major portion of the property lies. The notice shall quote the provisions of this section. (3) If the owner does not file an objection to the clearing with the Department within 15 days after the mailing, personal service, or publication of notice, the owner shall be deemed to give consent to the clearing, and to entry on his property for this purpose. (4) If the owner refuses his permission, or if he timely files an objection, the Department may serve on him, by personal service or registered or certified mail, a written order for the owner to clear the safety strips within the time prescribed in subsection (a) of this section in the manner the Department directs. Any owner who

fails to comply with the order within the prescribed time is liable to the fine provided for in § 5–714 of this subtitle.

[\[Previous\]](#)[\[Next\]](#)